

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Unassigned
HIDEKI YOSHINAGA, ET AL.)	
	:	Group Art Unit: 2821
Application No.: 10/553,038)	
	:	Confirmation No.: 6783
Filed: October 11, 2005)	
	:	
For: DISPLAY APPARATUS)	March 14, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §1.181 OR
CONDITIONALLY UNDER 37 C.F.R. §1.137(a) AND
M.P.E.P. §711.03(c) TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

Applicants hereby petition the Commissioner to restore pending status to the above-identified abandoned application. This Petition is accompanied by:

1. A Declaration Under M.P.E.P. §711.02 of Scott D. Malpede; and
- 2) A Declaration Under M.P.E.P. §711.02 of Mark Chanderdatt, together

with an exhibit of docketing records concerning due dates for Patent Office filings for the relevant periods in the above-identified application.

FACTS

On January 29, 2008, the undersigned law firm received a Notice of Abandonment mailed January 22, 2008, regarding the above-identified application. The Notice stated that the application is abandoned because a response to a Notification of Missing Requirements Under 35 U.S.C. 371 (Notification) mailed August 31, 2006, has not been filed. However, Applicants never received such a Notification in the above-identified application, as evidenced by the attached Declarations of Scott D. Malpede and Mark Chanderdatt, and therefore were not aware of any requirement to file a response to the Notification.

REQUEST

Accordingly, the Commissioner is hereby requested to revive this application by withdrawing the Notice of Abandonment mailed January 22, 2008, to re-mail the Notification and to re-set period for response thereunder.

FEE

The Commissioner is hereby authorized to charge Deposit Account No. 06-1205 for any petition fee which may be due. However, since Applicants believe that the abandonment occurred through no fault of their own, no fee should be due.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Scott D. Malpede/

Scott D. Malpede
Attorney for Applicants
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

SDM/vnm

FCHS_WS 1953134v1

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DECLARATION UNDER M.P.E.P. §711.02

Sir:

I, Scott D. Malpede, declare and say that:

1. I am a partner in the law firm of Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112, and am an attorney of record in the above-identified application. I am the attorney in the law firm who is primarily responsible for the prosecution of the subject patent application.

2. On January 29, 2008, a Notice of Abandonment dated January 22, 2008, was received by the law firm in the above-identified application. The Notice of Abandonment indicated that a reply has not been received in response to a Notification of Missing Requirements Under 35 U.S.C. 371 (Notification) mailed August 31, 2006.

However, after reviewing the pertinent records, including the entire file of the subject application, and the Declaration of March Chanderdatt dated March 7, 2008, and the attached exhibit thereto, I have concluded that the law firm never received the Notification in the above-identified application.

Date: March 14, 2008

Scott D. Malpede
Scott D. Malpede

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	:	Examiner: Unassigned
HIDEKI YOSHINAGA, ET AL.)	
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DECLARATION UNDER M.P.E.P. §711.02

Sir:

I, Mark Chanderdatt, declare and say that:

1. I am employed by Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112 as a docket clerk professional. My responsibilities include docketing the receipt of documents from the U.S. Patent and Trademark Office (PTO), and maintaining records of such documents and records of periods of response thereunder.

2. All communications from the PTO are directed to me immediately upon receipt within the firm.

3. Each and every communication I receive from the PTO is logged into a Day Book Report on the day it is received, along with a due date for responding to the communication. I have reviewed the entries in the Day Book Report concerning the period from

August 31, 2006, through September 30, 2006. Those entries do not include an entry indicating receipt of a Notification of Missing Requirements Under 37 U.S.C. §371 (Notification) or any other PTO paper concerning the above-identified application. Accordingly, I conclude that no Notification dated August 31, 2006, was received for the subject application.

4. In addition to my responsibilities, as stated above, for maintaining records of documents received from the PTO, I also calculate and record in a Docket Book the date upon which responses to such PTO communications are due. The response due date to a August 31, 2006, Notification would have been October 31, 2006. The entries in the Docket Book on that date do not indicate that any response to a August 31, 2006, Notification in the above-identified application was due.

5. In addition to the above procedures and practices, I also maintain a computerized Master Docket in which is recorded the due date upon which a response to such PTO communication is due. The entries in the Master Docket on that date do not indicate that any response to a August 31, 2006, Notification in the above-identified application was due. A copy of a computer printout of the Master Docket is attached hereto as Exhibit A showing the last three digits of each application number having a due date on October 31, 2006. Again, Exhibit A does not refer to the above-identified application.

6. Further to the above procedures and practices, I also maintain a computerized file for each application which summarizes all of Applicant's filings and PTO communications. The computerized file of the subject application shows no indication of a Notification being received.

7. Accordingly, from a review of all of the above-referenced records, it is my belief that the firm never received the Notification.

Date:

March 7, 2008

Mark Chanderdatt

Mark Chanderdatt

MASTER DOCKET - From 102506 to 111406

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Due Date	Docket Number	Attorney	Action	Application No
10/31/2006	00664,124817	filed by EPA	car on 10/25/06	Application-convention deadline
Remarks		Zupick, Anthony M.		
10/31/2006	00862,121097.	Zupick, Anthony M.	Convention Deadline - 1 Week Reminder	
Remarks				
10/31/2006	00862,13498	filed by EPA	car on 10/31/06	Application-convention deadline
Remarks		Zupick, Anthony M.		
10/31/2006	02910,120954.	Zupick, Anthony M.	Convention Deadline - 1 Week Reminder	
Remarks				
10/31/2006	03500,125005.	Zupick, Anthony M.	Convention Deadline - 1 Week Reminder	
Remarks				
10/31/2006	03500,14417	filed by EPA	car on 10/27/06	Application-convention deadline
Remarks		Zupick, Anthony M.		
10/31/2006	03503,001758.	Zupick, Anthony M.	Allow Future Next Renewal Dates	549
Remarks				

Due Date	Docket Number	Monney	Action	Application No
10/21/2008	03-762-012009	Watters, Steven E	Foreign filing convention deadline	10/17/10
Remarks	Check will handle	F/T	pa	5573

See below

10-21-2006	00862:125041:	Weaver, Gregory S.	Drawing Connection Doc
Remarks	##B.L.K. to electronically file##;		

Agency	Date	Where, Oregon, S.	3 Month Office Action Initial Deadline	Remarks
				#BLK to electronically file##;
				bound & replace Dues by EPS per gsw/mhk 10/31/05

10/31/2006	Amended by EPS in GSW / MNR on 10/31/06
Remarks	1.53B DIV; PTA=0; 1.53b div filed 04/10/06; IPT 10/20/06 - INSTR; Weaver, Gregory S 2 months Office Addressed 10/31/06

10/31/2006 03:29:10:1120 Yafines, Leet-See **Reminded** Foreign Firm Pending 2-Week Reminder

10/31/2006	03500.001635.4	Yu-Jabes, Look See	Expiry calculation 2
Remarks	(35.C1635C/D/C2) County of Origin - JAPAN Last Update - 06-25-2004		

10/31/2006	03500.004738.	Yv-Jal/jes, Lock See	Expiry date
Remarks	Country of Origin - JAPAN Last/Update - 10-07-2004		

10/31/2006	035000 004929,2	Yv-Jahnn Lock See	Expiry calculation 2
Remarks	Country of Origin - JAPAN Last Update - 10-20-2004		

Div by 445 M JPK a 10/31/05
10/31/05 034800.016702 1575 File 1.53(h) Disposed w/ 2C2, 9662

MASTER DOCKET - From 102506 to 111406

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Due Date	Docket Number	Attorney	Action	Application No
10/31/2006	03500.001277.5	Reda, Jennifer A.	Expiry calculation 2	56
Remarks	(35 C1277 C2D3):REISSUE FILING:RHF/FCFAM County of Origin - JAPAN Last Update - 06-07-2004			
10/31/2006	03500.003576.2	Reda, Jennifer A.	Expiry calculation 2	34
Remarks	Country of Origin - JAPAN Last Update - 08-03-2004			
10/31/2006	03500.005202.1	Reda, Jennifer A.	Expiry calculation 2	397
Remarks	Country of Origin - JAPAN Last Update - 10-20-2004			
10/21/2006	00664000000.1	Smith, Lawrence A.	3 month Office Action deadline	200
Remarks	IPT 092906 - Upload docs;			
10/21/2006	00664000000.1	Smith, Lawrence A.	3 month Office Action deadline	205
Remarks	file with 14 related applications; IPT 120705 - Letter re: OFR; IPT 050206 - Reupload docs;			
10/21/2006	0066400141.1	Smith, Lawrence A.	3 month Office Action deadline	835
Remarks	file with 14 related applications; 2nd Recordation recorded 4/28/06; 018264/0542;			
10/21/2006	01929026000.1	Smith, Lawrence A.	Expiry filing deadline	
Remarks	EXT to 11/30/05 pm UT on 10/31/05			
10/21/2006	01929026000.1	Smith, Lawrence A.	Expiry filing deadline	
Remarks	EXT to 11/30/05 pm UT on 10/31/05			
10/21/2006	01929026000.1	Smith, Lawrence A.	Expiry filing deadline	
Remarks	EXT to 11/30/05 pm UT on 10/31/05			
10/21/2006	01929026000.1	Smith, Lawrence A.	Expiry filing deadline	
Remarks	EXT to 11/30/05 pm UT on 10/31/05			
10/21/2006	01929026000.1	Smith, Lawrence A.	Expiry filing deadline	
Remarks	EXT to 11/30/05 pm UT on 10/31/05			

10/31/06 01929026000.1 1st Blue Doc 10/19/04 10/19/04 10/19/04

[illegible]

Application No

658

1

REC + Melin by ams per EAK on 7/11/29/05 10/23 - BTE will
Kreat, Edward A. 923 FINAL 3 month Office Action initial deadline 03/30/04/01

10/31/2006	00862.120527	Krauss, John A	Applicant on conviction deadline
Remarks			

10/17/2005	00862.133311	Abad by carm m JSM	10/17/05
Remarks	Mag. by carm	Application was entered	

10/31/2006	033006071669	Magway, John J.	Final Advisory
Remarks	FLOPPY RCD W/APLN;		

[illegible]

REC + Melin by ERS in CHS on 10/31/02
 02566037123 - Memphis, Tenn D. - ENCL 2 - Memphis Office - When initialled, 566
 10/12/06
 FD RECD W/APPLN; IPT 042406 - Inst; Remarks

10/31/2006
Remarks
FAX 101605 - DEADLINE TO FILE APPLN POSTPONED TO 10/31/06;
025 07:25:516
Michigan Seal
Client's Filing Deadline
Filed by ees in lrs on 10/30/06

MASTER DOCKET - From 102506 to 111406

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Due Date	Docket Number	Attorney	Action	Application No
10/31/2006	03500.00475	Didas, Stephen J.	Expiry date	317
Remarks	Country of Origin - JAPAN Last Page - 10-20-2004			
10/31/2006	03500.00475	Didas, Stephen J.	Expiry date	317
Remarks	Amend by CES in CAS ~ 10/31/06.			
10/31/2006	FD RECD W/APPLN; FEDX 020204 - RE-ASSIGN; IPT 082406 - INSTR;	Didas, Stephen J.	Expiry date	317
Remarks	RCE + put 330 by CES in CAS ~ 10/27/06. 10/25-06			
10/31/2006	FLOPPY RCD W/APLN; (Picbridge); IPT 090106 - INTERVIEW;	Attorney with 1 month extension		324
Remarks	Amend RCE by had in TAM on 10/31/06			
10/31/2006	FLOPPY RCD W/APLN; IPT 102006 - INSTR;	Didas, Stephen J.	Expiry date	317
Remarks	Amend RCE by had in TAM on 10/31/06			
10/31/2006	00366.000215.	Fernandez, Pedro C.	Power of attorney due to be filed	484
Remarks	FAX 083006 - Draft Prelim amend only;			
10/31/2006	00366.000215.	Fernandez, Pedro C.	Power of attorney due to be filed	484
Remarks	RCE by CES in CAS ~ 10/31/06			
10/31/2006	FLOPPY DISK RECD W/APPLN; amend after final filed 100606;	Didas, Stephen J.	Expiry date	317
Remarks	Amend by had in TAM on 10/31/06			
10/31/2006	00809.006	Send OFR; IPT 091406 - Send OFR;	Expiry date	42
Remarks	Amend by had in TAM on 10/31/06			
10/31/2006	00862.021909.	Klick, Brian E.	MI- not in 11/3/06	511
Remarks	1ST RCE FILED 092104;			

MASTER DOCKET - From 102506 to 111406

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Due Date	Docket Number	Attorney	Action	Application No
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Reminder - EXT to 11/30/05

10/31/2006	00364.000400	Clayton, Ronald A.	3 months Office Action initial deadline	85
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Remarks

Amend by EPS per FLC/mrk on 10/31/05

Remarks

IDS w/2 req + Amend by EPS per FLC on 10/31/05

Remarks

10/31/2006	00364.000400	Clayton, Ronald A.	3 months Office Action initial deadline	85
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Remarks

10/31/2006	003500.000474	Conrad, Jeffrey M.	3 months Office Action initial deadline	295
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Remarks

10/31/2006	003500.000473.1	Conrad, Jeffrey M.	3 months Office Action initial deadline	295
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Remarks

10/31/2006	00802.002276.1	Diane, Deborah E.	3 months Office Action initial deadline	295
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Remarks

10/31/2006	00561.000321A	Diane, Deborah E.	3 months Office Action initial deadline	295
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Remarks

Amend by EPS per CPD on 10/31/05

IDS w/2 req + Amend by EPS per FLC on 10/31/05

CPD on 10/31/05

IDS w/2 req + Amend by EPS per FLC on 10/31/05

CPD on 10/31/05

IDS w/2 req + Amend by EPS per FLC on 10/31/05

CPD on 10/31/05

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Due Date	Docket Number	Attorney	Action	Application No
10/30/2006	00766-00007-072	Adams, Edmund E.	3-month Office Action + 1-month extension	586
Remarks	1.53B CONT - PAR ABAND (REF:001-165320C/EK) ; FAX 083006 - Letter re: IDS; EX TO # TO 11/30/05 IN DEU/THM 10/30/05			
10/30/2006	00566-00007-072	Adams, Edmund E.	3-month Office Action + 1-month extension	508
Remarks	Dec'd w/par + Seq Lshing (paper + CE) by coun in DEU G IPT 100306 - DECLASSIGN; EXT to 11/30/05 IN NWU/THM 10/30/05			
10/30/2006	00766-00007-072	Adams, Edmund E.	3-month Office Action + 1-month extension	165
Remarks	REMINDER: FOREIGN FILING DUE BEFORE 031005; Last Update - 03-10-2005 EXT to 11/30/05 IN NWU/THM 10/30/05			
10/30/2006	00566-00007-072	Adams, Edmund E.	3-month Office Action + 1-month extension	267
Remarks	Floppy read w/appn; Ext to 11/30/05 IN NWU/THM 10/30/05			
10/30/2006	00566-00007-072	Adams, Edmund E.	3-month Office Action + 1-month extension	567
Remarks	1.53b div: 1.53b div filed 113005; IPT 080406 - pls reupload document; IPT 092806 - INSTR & INTERVIEW; Ext to 11-30-06			
10/30/2006	00566-00007-072	Adams, Edmund E.	3-month Office Action + 1-month extension	330
Remarks	See chm			
10/30/2006	00566-00007-072	Adams, Edmund E.	3-month Office Action + 1-month extension	330
Remarks	See chm			